

Message Text

CONFIDENTIAL

PAGE 01 BRASIL 05046 202021Z

61

ACTION PM-03

INFO OCT-01 ARA-06 ISO-00 NSC-05 SP-02 SS-15 CIAE-00

INR-07 NSAE-00 PRS-01 OMB-01 MC-02 EB-07 L-03 H-02

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R 201945Z JUN 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 9934

INFO SECDEF WASHDC/OSD/DSAA

CNO WASHDC

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USDEL JBUSMC RIO DE JANEIRO

C O N F I D E N T I A L BRASILIA 5046

E. O. 11652: GDS

TAGS: MASS, BR

SUBJECT: TRANSFER OF SHIP TO BRAZILIAN NAVY

REF: A. STATE 143291; B. CNO 131516Z JUN 73; C. BRASILIA 5000

SUMMARY: BY REFTELS A AND B, DEPARTMENT AND CNO INDICATED THE DIFFICULTY THAT MIGHT BE ENCOUNTERED IN THE CONGRESS ON THE THEN-IMPENDING REQUEST FOR TRANSFER OF A DESTROYER TO BRAZIL ON FMSCR, AND THE RELUCTANCE OF THE DEPARTMENT TO GO FORWARD TO THE CONGRESS ON THAT ITEM. REF. C, IN SUPPLYING A MODIFIED SET OF BRAZILIAN NAVY PRIORITIES FOR THE USE OF FY 75 FMSCR, GIVES A SOLUTION TO THE IMMEDIATE PROBLEM. THIS MESSAGE REQUESTS THAT THE DEPARTMENT GO TO THE CONGRESS WITH THE PROPOSAL FOR THE SHIP TRANSFER IN THE NORMAL COURSE OF EVENTS, AND REQUESTS THE DEPARTMENT'S REACTIONS. END SUMMARY.

1. NOTWITHSTANDING THE TEMPORARY SOLUTION THAT THE CHANGED BRAZILIAN REQUEST WOULD APPEAR TO PROVIDE FOR THE IMMEDIATE PROBLEM, AND HAVING IN MIND THAT THE SHIP TRANSFER PROBLEM IS LIKELY TO ARISE AGAIN IN 2ND/3RD QUARTER, FY 76, WE BELIEVE THE APPLICATION OF THE CONSTRAINTS OUTLINED REFTEL A WOULD HAVE CAUSED
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PAGE 02 BRASIL 05046 202021Z

SERIOUS DIFFICULTIES HERE. OUR CONCERN IS THAT DENIAL OF THE

SHIP TRANSFER UNDER FMS CREDIT BY THE EXECUTIVE BRANCH, WITHOUT REFERRING THE MATTER TO CONGRESS, WILL BE WIDELY INTERPRETED HERE AS ANOTHER PUNITIVE ACTION FLOWING FROM THE RECENT ARREST OF U.S. FISHING VESSELS, AROUSING AGAIN ALL THE SENSITIVITIES ENGAGED BY THE RESULTANT SUSPENSION OF MILITARY ASSISTANCE. ALTHOUGH THE SUBSEQUENT ISSUANCE OF THE PRESIDENTIAL WAIVER AND THE CLEARANCE FOR SALE OF THE AIM-9J MISSILE SUBSTANTIALLY CLEARED THE AIR AND RESTORED OUR RELATIONSHIPS, THERE REMAINS A SORE SPOT CAUSED, IN THE BRAZILIAN VIEW, BY THE U.S. APPLICATION OF SANCTIONS OVER AN INCIDENT IN WHICH THE BRAZILIANS BELIEVE THAT THEY THEMSELVES ACTED WITH CONSIDERABLE RESTRAINT (AS AN EARNEST THAT BRAZIL CONTINUES TO USE RESTRAINT IN ITS APPLICATION OF DOMESTIC LAW TO U.S. FISHING VESSELS, EMBOFF WAS NOTIFIED INFORMALLY ON JUNE 19 BY FOREIGN MINISTRY COUNTERPART THAT BRAZILIAN NAVY HAD, ON MAY 22, SPOTTED U.S. VESSEL "CAYENNE SARITA" OFF COAST OF MARANHAO, OUTSIDE AREA COVERED BY SHRIMP AGREEMENT, BUT TOOK NO ACTION AGAINST THE VESSEL--BRASILIA 5003). WE ARE ALSO CONCERNED THAT DENIAL OF THE USE OF FMS CREDITS FOR THE TRANSFER, AGAIN WITHOUT REFERENCE TO THE CONGRESS, WOULD CAST A PALL ON THE FURTHER ACCEPTABILITY TO THE BRAZILIAN ARMED FORCES OF THE FMS CREDIT PROGRAM.

2. UNDER THESE CIRCUMSTANCES, WE RECOMMEND THAT THE DEPARTMENT, IN THE NORMAL COURSE OF EVENTS, GO FORWARD TO THE CONGRESS WITH THE REQUEST FOR THE SHIP TRANSFER: IF IT PASSES THE CONGRESS THE PROBLEM WILL HAVE BEEN RESOLVED; IF BLOCKED BY THE CONGRESS, THE ADMINISTRATION WILL HAVE DEMONSTRATED ITS INTENTION TO OPERATE WITHIN THE SPIRIT OF THE PRESIDENTIAL WAIVER, AND IN SOME MEASURE AVOID THE REPERCUSSIONS FORESEEN ABOVE. WE DO NOT KNOW WHEN THE SHIP TRANSFER IS LIKELY TO GO FORWARD TO THE CONGRESS; IF, HOWEVER, AS OUR BEST INFORMATION INDICATES, THE MATTER WILL NOT COME UP UNTIL WELL INTO FY 76 AND IF, IN THE INTERIM, THERE IS NO NEW INCIDENT OF ARREST BY BRAZILIAN AUTHORITIES OF U.S. FISHING VESSELS, CONGRESSIONAL SENSITIVITIES ARE LIKELY TO BE SUBSTANTIALLY REDUCED FROM THEIR PRESENT LEVEL. IF THE SHIP TRANSFER COULD BE DISCREETLY SLIPPED TO 4TH QUARTER 1976, ALLOWING A FULL YEAR TO PASS AFTER THE MARCH 22, 1974, FISHING VESSEL INCIDENT, THE POSSIBILITY OF CONGRESSIONAL OPPOSITION MIGHT POSSIBLY BE FURTHER REDUCED.

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PAGE 03 BRASIL 05046 202021Z

3. WE WOULD APPRECIATE THE DEPARTMENT'S REACTION TO THIS MESSAGE.
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Message Attributes

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